

EDWIN R. JANTE)	
Claimant)	
VS.)	
)	Docket No. 233,837
JESSE LATHAM & SONS, INC.)	
Respondent)	
AND)	
)	
GREAT WEST CASUALTY COMPANY)	
Insurance Carrier)	

This claim hinges on claimant's credibility. Judge Moore, who had the opportunity to personally observe claimant testify and assess his demeanor, found claimant's testimony credible and awarded benefits. The Appeals Board gives some deference to Judge Moore's assessment. Therefore, the Appeals Board also finds that claimant slipped and fell on March 10, 1998, and immediately afterwards notified the respondent of the incident.

As provided by K.S.A. 1997 Supp. 44-534a, the above findings are not binding but subject to modification upon a full hearing on the claim.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order dated July 13, 1998, entered by Administrative Law Judge Bruce E. Moore should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of August 1998.

BOARD MEMBER

c: Patrik W. Neustrom, Salina, KS
Vaughn Burkholder, Wichita, KS
Bruce E. Moore, Administrative Law Judge
Philip S. Harness, Director